

## TITLE III - CRIMINAL OFFENSE CODE

### CHAPTER 1. GENERAL PROVISIONS.

#### **Sec. 101.                    Criminal Offenses Based on Voluntary Conduct.**

No person shall be convicted of an offense except based on conduct which includes a voluntary act or the omission to perform an act of which the defendant is physically capable. Unless otherwise provided in this Code with respect to a particular offense, an offense is established only if a person acts intentionally with respect to every element of the offense.

#### **Sec. 102.                    States of Mind.**

(a) **"intentional"**. A defendant's state of mind is intentional with respect to a result or to conduct if the defendant's conscious objective is to engage in such conduct or to cause such a result.

(b) **"negligent"**. Conduct is negligent if, with respect to a result or circumstance, a person should be aware of a substantial and unjustifiable risk that such a result will occur or that such a circumstance exists, and his or her conduct involves a significant deviation from the standard of care that a reasonable person would observe.

(c) **"reckless"**. Conduct is reckless if, with respect to a result or circumstance, a person consciously and unjustifiably disregards a substantial risk that such a result will occur or that such a circumstance exists, and the risk is of such a nature and degree that its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

(d) **"knowingly"**. A defendant acts knowingly if, when he or she engages in the conduct, he or she knows or has a firm belief, unaccompanied by substantial doubt, that he or she is doing so whether or not it is his or her purpose to do so.

#### **Sec. 103.                    Burden of Proof.**

(a) The Chitimacha Tribe of Louisiana has the burden of proving each element of an offense beyond a reasonable doubt.

(b) Whenever the defendant introduces sufficient evidence of a defense to support a reasonable belief as to the existence of that defense, the Chitimacha Tribe of Louisiana has the burden of disproving such defense beyond a reasonable doubt unless this Code or another ordinance expressly requires the defendant to prove the defense by a preponderance of evidence. (Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 104. Ignorance or Mistake.**

(a) Ignorance or mistake as to a matter of fact or law is a defense if:

- (1) the ignorance or mistake negates the necessary mental state required for the commission of an offense; or
- (2) the law provides that the state of mind established by such ignorance or mistake constitutes a defense.

(b) Whenever in this Code an offense depends on a child being less than twelve (12) years of age, it is no defense that the defendant did not know the child's age or reasonably believed the child to be older than twelve (12) years of age. When criminality depends on the child's being less than a critical age other than twelve (12) years of age, it is an affirmative defense for the defendant to prove that he reasonably believed the child to be above the critical age.

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 105. Intoxication.**

(a) Intoxication is not a defense unless it negates an element of the offense.

(b) When negligence or recklessness is an element of the offense, self-induced intoxication is no defense.

(c) Intoxication does not, in itself, constitute a mental disease or defect within the meaning of Section 106.

**Sec. 106. Mental Disease or Defect.**

(a) A person is not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect, he or she lacks substantial capacity either to appreciate the

wrongfulness of that conduct or to conform that conduct to the requirements of law.

(b) As used in this Section, the terms "**mental disease or defect**" do not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct.

**Sec. 107.                    Self-defense.**

(a) The use of reasonable force is a defense when a person reasonably believes that such force is immediately necessary to protect himself or herself.

(b) A person is not justified in using force for the purpose of resisting arrest, execution of process, or other performance of duty by a public servant regardless of whether the conduct of the public servant is lawful; but clearly excessive force on the part of public servant may be resisted.

(c) A person is not justified in using force if the conduct of the person against whom force is used was provoked by the defendant himself with the intent to cause physical injury to that other person.

**Sec. 108.                    Defense of Others.**

The use of force in order to defend a third person is a defense if:

(a) the defendant reasonably believes that the person whom he seeks to protect would be justified in using such protective force; and

(b) the defendant has not, by provocation or otherwise, forfeited the right of self-defense; and

(c) the defendant reasonably believes that intervention is necessary for the protection of such other person.

**Sec. 109.                    Defense of Property.**

The use of force, other than deadly force, is a defense if the defendant reasonably believes that such force is necessary to prevent or terminate conduct which the defendant reasonably believes the commission or attempted commission of which is a crime involving trespass, damage to or theft of property.

**Sec. 110.                    Use of Deadly Force.**

The use of deadly force is a defense only where the defendant reasonably believes that such force is necessary to protect himself, herself, or another person from death, serious bodily harm, kidnaping, a sexual act (as defined in Section 206) compelled by force or threat, or to prevent or terminate the commission or attempted commission of arson.

**Sec. 111.                    Criminal Complicity and Solicitation.**

(a) A person may be convicted of an offense based upon the conduct of another person when:

(1) acting with the state of mind sufficient for the commission of the offense, the defendant causes another person to engage in such conduct; or

(2) with the intent that an offense be committed, the defendant solicits, request, commands, induces or intentionally aids another person to engage in such conduct.

(b) The penalty for being an accomplice to a crime is the same as the penalty for being a principal in the crime.

(c) A person is not liable under this Section for the conduct of another if he terminates his complicity prior to the commission of the offense and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.

**Sec. 112.                    Attempts.**

(a) A person is guilty of an attempt to commit a crime if the person intentionally does or omits to do anything which, under the circumstances as the defendant believes them to be, is an act or omission constituting a substantial step toward the commission of a crime.

(b) A person who engages in conduct designed to aid another person to commit a crime which would establish complicity under Section 111(a)(2) if the crime were committed by such other person is guilty of an attempt to commit the crime although the crime is not actually committed or attempted.

(c) Conduct is not criminal which could only be characterized as an attempt to commit a crime which is itself defined solely in terms of attempt.

(d) The penalty for an attempted crime is the same as the penalty for the completed crime.

**Sec. 113.                Duress.**

Duress is a defense only where the defendant reasonably believes that he or she is compelled to act by the threat of death or serious bodily harm such as would render a person of reasonable firmness incapable of resisting such threat.

**Sec. 114.                Entrapment.**

Entrapment is a defense only where a law enforcement officer induces the defendant to commit an offense using persuasion or other means such as would cause a normally law-abiding person to commit the act or acts that are elements of the offense. Conduct merely affording the defendant an opportunity to commit the offense does not constitute entrapment.

**CHAPTER 2.   CRIMES AGAINST PERSONS.**

**Subchapter A.   Homicide**

**Sec. 201.                Murder.**

Whoever intentionally causes the death of another human being is guilty of murder.

**Murder is a Felony.**

**Sec. 202.                Manslaughter.**

A person who recklessly causes the death of another human being is guilty of manslaughter.

**Manslaughter is a Felony.**

**Sec. 203.                Negligent Homicide.**

A person who, negligently causes the death of another human being is guilty of negligent homicide.

**Negligent Homicide is a Felony.**

**Sec. 204.                    Causing or Aiding Suicide.**

A person who, by force, duress or deception, intentionally causes another person to commit or attempt to commit suicide, or aids or solicits another to commit or attempt to commit suicide is guilty of causing or aiding suicide.

**Causing or Aiding Suicide is a Class A Misdemeanor.**

**Subchapter B.   Kidnaping and Related Offenses**

**Sec. 205.                    Kidnaping.**

A person who, by force, threat or deception,:

- (a) removes another person against his or her will from his or her place of residence or business, or a substantial distance from the vicinity where he or she is located; or
- (b) confines another person for a substantial period against his or her will is guilty of kidnaping.

**Kidnaping is a Felony.**

**Subchapter C.   Sexual Offenses**

**Sec. 206.                    Rape.**

A person who engages in a sexual act with another person, or who causes another person to engage in a sexual act, is guilty of rape if:

- (a) the defendant compels the other person to submit by force or by any threat that would render a person of reasonable firmness incapable of resisting; or
- (b) the defendant, or someone else with the defendant's knowledge, has substantially impaired the other person's power to appraise or control that person's knowledge by administering intoxicants, drugs or other similar substances with the intent to prevent resistance; or
- (c) the other person is unconscious; or
- (d) the defendant knows that the other person submits because the other person falsely supposes the defendant to be someone else, unless the defendant is the spouse of the other person; or
- (e) the other person is under twelve (12) years of age; or

(f) the defendant knows that the other person suffers from a mental disease or defect which renders that person incapable of understanding the nature of his or her conduct, unless the defendant is the spouse of the other person; or

(g) the other person is in official custody or otherwise detained in a hospital, prison, or other similar institution and the defendant has supervisory or disciplinary authority over the detained person.

**"Sexual act"** means sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or the mouth and the anus. For the purposes of this Code, sexual contact between the penis and the vulva, or between the penis and the anus, occurs upon penetration, however slight. Emission is not required.

**Rape is a Felony.**

**Sec. 207.                    Statutory Rape.**

A person eighteen (18) years of age or older who engages in a sexual act (as defined in Section 206) with another person who is between the ages of twelve (12) and fifteen (15) years, inclusive, is guilty of statutory rape.

**Statutory Rape is a Class A Misdemeanor.**

**Sec. 208.                    Indecent Exposure.**

A person who exposes his or her genitals or other intimate parts under circumstances likely to cause affront or alarm is guilty of indecent exposure.

**Indecent Exposure is a Class B Misdemeanor, except that the second and subsequent offenses shall be Class A Misdemeanors.**

**Sec. 209.                    Prostitution and Patronizing a Prostitute.**

A person who;

(a) is an inmate of a house of prostitution, manages a house of prostitution, or is otherwise engaged in sexual activity as a business; or

- (b) solicits another person to hire a prostitute or commit an act of prostitution; or
- (c) loiters in view of any public place with the intent of being hired to engage in sexual activity; or
- (d) hires a prostitute to engage in sexual activity or enters or remains in a house of prostitution with intent to engage in sexual activity; is guilty of prostitution or patronizing a prostitute.

**"Sexual activity"** means sexual act or sexual contact as defined in Sections 206 and 212.

**Prostitution or Patronizing a Prostitute is a Class B Misdemeanor unless the prostitute is less than seventeen (17) years of age, in which case it is a Felony.**

**Sec. 210.                    Bigamy.**

A person who marries another person while legally married to a third person is guilty of bigamy.

This Section shall not apply to a person whose spouse been absent for five (5) successive years and is reasonably believed by the defendant to be dead.

**Sec. 210-A.                Registration of Sexual Offenders.**

(a) **Definitions.**

(1) **"Sexual Offender"** or **"Offender"** as used in this Code means a person convicted of a sexual offense.

(2) **"Sexual Offense"** means:

- (i) any violation of Sections 206, 207, 208, 212 or 421 (as applicable) of Title III of the Chitimacha Comprehensive Code of Justice, or
- (ii) any violation of a law of the United States, or of another tribe, or of a state, reasonably equivalent to a violation of a law of the Chitimacha Tribe of Louisiana as defined in Section 210-A(a)(2)(i).

(b) **Requirement to Register.** Any person residing on the Chitimacha Reservation who has been convicted of a sexual offense after August 1, 1986 shall register with the Chitimacha Tribal Courts Director and the officer in charge of the Chitimacha Tribal Police Department.



(c) **Registration by Sexual Offender to be Part of Sentence on Conviction.**

(1) The Chitimacha Tribal Court shall, as part of the written order sentencing any sexual offender, include the requirement that the offender register with the appropriate law enforcement agency in accordance with this Section 210-A. The Chitimacha Tribal Court shall expressly draw the offender's attention to this provision.

(2) A copy of the judgment of conviction and of sentence shall be promptly delivered to the Chitimacha Tribal Courts Director, the officer in charge of the Chitimacha Tribal Police Department, to all other agencies with which the Chitimacha Tribe of Louisiana maintains agreements for the exchange of information concerning convicted sexual offenders, and to the social agencies on the Chitimacha Reservation dealing with the care, teaching and transportation of children, including any school attended by the residents of the Chitimacha Reservation.

(d) **Sentence upon Conviction--Restriction on Employment.** The Chitimacha Tribal Court in sentencing a sexual offender shall, as a condition to probation, parole, deferment, or suspension of sentence, impose upon the defendant reasonable prohibitions and restrictions on employment or occupation, to protect the class or classes of persons that are the likely victims of further offenses by the defendant.

(e) **Duty Prior to Release of Sexual Offender.** Prior to the sexual offenders release from custody or confinement, the Chitimacha Tribal Police Department shall:

(1) notify the sexual offender in writing of the duty to register pursuant to Section 210-A; and

(2) obtain from the sexual offender, the address where they are to reside and can be found upon release and transmit same to the Chitimacha Tribal Courts Director and all appropriate law enforcement agencies.

(f) **Change of Residence.** A sexual offender required to register under this Section 210-A, shall promptly report any change of address to the Chitimacha Tribal Police Department and Chitimacha Tribal Courts Director. If the new address is not on the Reservation, such sexual

offender shall within ten (10) days after changing residence, give written notice of the new address to the appropriate off-Reservation law enforcement agency. The officer in charge of the Chitimacha Tribal Police Department on the Chitimacha Reservation shall, without delay after receipt of the new address, notify the appropriate law enforcement agency with jurisdiction over the situs of the new address of the sexual offender.

(g) **Duration of Registration.**

(1) A sexual offender required to register shall comply with the registration requirements of this Section 210-A for a period of ten (10) years after conviction, unless imprisoned during that period. A sexual offender required to register by this Section 210-A, who is imprisoned during the initial ten (10) year period, shall be required to register in compliance with this Section 210-A for a period of ten (10) years after release from prison.

(2) A convicted sexual offender's duty to register under this Section 210-A terminates at the end of the ten (10) years from the date of initial registration, provided, that during the ten (10) year period, the convicted sexual offender is not again convicted of a sexual offense.

h) **Penalty.** A sexual offender who intentionally fails to comply with the provisions of this Section be guilty of a Class A Misdemeanor.

(Added by Ordinance #2-96; Adopted: August 15, 1996; Effective: August 15, 1996; Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

## **Subchapter D. Assault and Related Offenses**

### **Sec. 211. Aggravated Assault.**

A person who;

(a) intentionally causes serious bodily injury to another;

(b) intentionally causes bodily injury to another with a dangerous weapon; or

(c ) recklessly causes serious bodily injury to another under circumstances manifesting indifference to the value of human life is guilty of aggravated assault.

**Aggravated Assault is a Felony.**

**Sec. 212.                    Sexual Assault.**

A person who intentionally has sexual contact with another or who causes such other person to have sexual contact with the defendant, is guilty of sexual assault if:

- (a) the defendant compels the other person to submit by force or by any threat that would render a person of reasonable firmness incapable of resisting; or
- (b) the other person is under twelve (12) years of age; or
- (c) the other person is in official custody or otherwise detained in a hospital, prison or other similar institution and the defendant has supervisory or disciplinary authority over the detained person.

"**Sexual contact**" means any touching of the genitals or other intimate parts of the person with the intent of arousing or gratifying sexual desire.

**Sexual Assault is a Class A Misdemeanor.**

**Sec. 213.                    Simple Assault.**

A person who;

- (a) intentionally causes bodily injury to another; or
- (b) recklessly or negligently causes bodily injury to another with a dangerous weapon; or
- (c) attempts by physical menace to put another in fear of serious bodily harm, or by physical menace causes another to harm himself or herself, is guilty of an assault.

Where the victim of an assault is a public official or employee, it is no defense that the action of the public official or employee is unlawful so long as the official reasonably appeared to be acting within the scope of his or her duties or employment; provided however that clearly excessive force may be resisted.

**Simple Assault is a Class A Misdemeanor.**

**Sec. 214                    Domestic Abuse.**

(a) Any person who;

- (1) intentionally causes bodily harm to a family member or household member; or
- (2) attempts by physical menace to put a family member or household member in

fear of serious bodily harm, or by physical menace causes another to harm himself/herself, is guilty of domestic abuse.

(b) For the purposes of this Section “family member or household member” means a spouse, former spouse, adult person related by blood or marriage, or adult person of the opposite sex residing with the accused.

**Domestic Abuse is a Class A Misdemeanor for which the person arrested shall not be released from custody except at arraignment as described in Sections 401 and 402 of Title II of this Code.**

(Added by Ordinance #3-97; Adopted: December 11, 1997; Effective: December 11, 1997)

### **CHAPTER 3. CRIMES AGAINST PRIVATE PROPERTY.**

#### **Subchapter A. Arson**

##### **Sec. 301. Arson.**

Except as specifically provided in this section, a person who starts or maintains a fire or causes an explosion with intent to destroy or damage a building, occupied structure, motor vehicle, field, crop, or standing timber of another is guilty of arson. A person who burns grass thatch or participates in a prescribed burn of timbered land is not guilty of arson.

**Arson is a Felony.**

#### **Subchapter B. Burglary and Related Offenses**

##### **Sec. 302. Burglary.**

The person who enters a building or occupied structure, or a separately secured or occupied portion of a building or structure, with intent to commit a crime therein is guilty of burglary, unless the premises are at the time open to the public or the defendant is licensed or privileged to enter.

**Burglary is a Felony.**

**Sec. 303.                    Criminal Trespass.**

A person who, knowing that he or she is not licensed or privileged to do so:

- (a) enters or surreptitiously remains in any building or occupied structure, or separately secured or occupied portion of a building or structure; or
- (b) enters or remains in any place as to which notice against trespass is given by:
  - (1) actual communication to the defendant;
  - (2) posting in a manner reasonably likely to come to the attention of intruders; or
  - (3) fencing or other enclosures manifestly designed to exclude intruders; or
- (c) intentionally allows an animal to occupy or graze on the lands of another person is guilty of criminal trespass.

**Criminal Trespass is a Class A Misdemeanor if the defendant enters or remains in any building or occupied structure. Otherwise, it is a Class B Misdemeanor.**

**Subchapter C. Theft and Related Crimes**

**Sec. 304.                    Theft.**

A person who;

- (a) intentionally takes or exercises unauthorized control over, or makes an unauthorized transfer of an interest in, the property of another with intent to deprive the owner thereof; or
- (b) intentionally obtains the property of another by misrepresentation or deception; or
- (c) intentionally obtains the property of another by threat of force; or
- (d) receives, retains or disposes of the property of another knowing that it has been stolen or believing that it has probably been stolen, unless the property is received, retained or disposed of with intent to restore it to the owner; or
- (e) comes into control of property of another that the defendant knows was lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient, and with intent to deprive the owner thereof, fails to take reasonable measures to restore the property to the person entitled to have it; or
- (f) intentionally obtains services, known by the defendant to be available only for compensation, by avoiding payment for the services, or, having control over the disposition of

services of another to which he or she is not entitled, knowingly diverts those services to the defendant's own benefit or to the benefit of another not entitled thereto; or

(g) intentionally disposes of, uses, or transfers any interest in property which has been entrusted to the defendant as a parent or guardian of a minor, or for any other reason, for other than the purpose or purposes for which the property was placed in trust; or

(h) intentionally misbrand or alters the brand or mark on any livestock of another person is guilty of theft.

Conduct denominated "**theft**" in this Section constitutes a single offense embracing the several offenses heretofore known as embezzlement, extortion, fraud, larceny, receiving stolen property, misbranding, and the like.

**Theft is a Felony if the amount involved exceeds Five Hundred Dollars (\$500.00).  
Otherwise, it is a Class A Misdemeanor.**

(Revised by Ordinance #3-98; Adopted: June 18, 1998; Effective: June 18, 1998; Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 305.                    Robbery.**

A person who, in the course of committing or attempting to commit a theft or while fleeing from the commission or attempted commission of a theft;

- (a) inflicts or attempts to inflict bodily injury upon another person; or
- (b) threatens or menaces another with immediate bodily injury is guilty of robbery.

**Robbery is a Felony if the amount involved exceeds Five Hundred Dollars (\$500.00).  
Otherwise, it is a Class A Misdemeanor.**

(Revised by Ordinance #3-98; Adopted: June 18, 1998; Effective: June 18, 1998; Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 306.                    Criminal Mischief.**

A person who intentionally or recklessly;

- (a) damages intangible property of another person; or
- (b) tampers with tangible property of another person so as to endanger person or property is guilty of criminal mischief.

**Criminal Mischief is a Class A Misdemeanor if the defendant intentionally causes pecuniary loss in excess of One Hundred Dollars (\$100). Otherwise, it is a Class B Misdemeanor.**

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 307.                    Issuing Bad Checks.**

A person who issues any check, draft or order upon any bank or other depository knowing that there are not sufficient funds in his or her account to pay such check, draft or order in full upon presentation is guilty of issuing bad checks.

No person shall be prosecuted under this Section unless he or she has been notified in writing of the insufficiency of funds, has been given at least ten (10) days in which to make restitution, and has failed to make such restitution.

**Issuing Bad Checks shall be a Class B Misdemeanor, except that a third or subsequent offense shall be a Class A Misdemeanor.**

**Subchapter D.    Forgery**

**Sec. 308.                    Forgery.**

A person who, with intent to deceive or harm the Chitimacha Tribe of Louisiana or any other person,

- (a) knowingly and falsely makes, completes, executes, authenticates, issues, transfers or alters any writing; or
- (b) knowingly utters a forged writing is guilty of forgery.

**Forgery is a Felony if the amount involved exceeds Five Hundred Dollars (\$500.00). Otherwise, it is a Class A Misdemeanor.**

(Revised by Ordinance #3-98; Adopted: June 18, 1998; Effective: June 18, 1998; Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

## **CHAPTER 4. CRIMES AGAINST THE PUBLIC ORDER.**

### **Subchapter A. Explosives and Weapons Offenses**

#### **Sec. 401. Carrying Concealed Dangerous Weapon.**

A person who carries, concealed about his or her person without specific governmental approval, any of the following weapons, is guilty of carrying a concealed dangerous weapon:

(a) blackjack, billy, bludgeon, metal knuckles, or knife with a blade over six (6) inches long or other sharp or dangerous instrument usually employed in the attack or defense of a person; or

(b) a gun or dangerous firearm, whether loaded or unloaded.

**Carrying a Concealed Weapon is a Class A Misdemeanor. In addition to the penalty prescribed for such an offense, a person convicted of carrying a concealed weapon may be ordered by the Court to forfeit such weapon to the Chitimacha Tribal Police Department.**

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

#### **Sec. 402. Possession of Explosives.**

A person who possesses, transports or controls any nitroglycerin, dynamite or other dangerous explosive, unless such explosive is possessed in the prosecution of or to effect a lawful purpose previously approved by the Chitimacha Tribal Council, is guilty of possession of explosives.

**Possession of Explosives is a Class A Misdemeanor. In addition to the penalty prescribed for such an offense, a person convicted of possession of explosives may be ordered by the Chitimacha Tribal Court to forfeit such explosives to the Chitimacha Tribal Police Department.**

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

#### **Sec. 403. Use of Dangerous Weapons by Children.**

A parent, guardian, or other person having charge or custody of a minor under sixteen (16) years of age who knowingly allows such minor to carry or use in public a dangerous weapon listed in Section 401 except when such minor is in the company and under the direct or indirect control of



such parent, guardian, or other adult person is guilty of use of dangerous weapons by children.

**Use of Dangerous Weapons by Children is a Class A Misdemeanor.**

**Sec. 404. Unlawful Discharge of Firearms.**

A person who;

(a) discharges a firearm in a careless or reckless manner so as to endanger a person or property within the Chitimacha Reservation; or

(b) discharges a firearm within one hundred feet (100') of a residence, business or roadway is guilty of unlawful discharge of firearm.

**Unlawful Discharge of Firearms is a Class A Misdemeanor. In addition to the penalty prescribed for such an offense, a person convicted of unlawful discharge of firearms may be ordered by the Chitimacha Tribal Court to forfeit such firearm to the Chitimacha Tribal Police Department.**

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 405. Unlawful Possession of Firearms.**

A person other than a law enforcement officer engaged in official duties who:

(a) possesses, obtains, receives, sells or uses a short-barreled rifle (16" or less) or short-barreled shotgun (18" or less); or

(b) possesses or owns a firearm after having been convicted in any jurisdiction of a felony that involved possession of a firearm; is guilty of unlawful possession of firearms.

**Unlawful Possession of Firearms is a Class A Misdemeanor.**

**Subchapter B. Drugs and Related Offenses.**

**Sec. 406. Unlawful Production, Distribution, Intent to Distribute, Sale, possession or Use of Drugs.**

A person who knowingly produces, distributes, intends to distribute, sells, possesses or uses marijuana, synthetic cannabinoids, legend drugs without a prescription, or any narcotic drug, including any substance containing opium, coca leaves, any opiate or any substance, compound or

derivative thereof, any salt, compound, isomer derivative, or preparation thereof which chemically equivalent or identical with any of the substances referred to above, but not including the isoquinoline alkaloids of opium, or who shall inhale the fumes of any gasoline, airplane glue, or any other similar noxious substance for the purposes of producing intoxication is guilty of unlawful production, distribution, intent to distribute, sale, possession or use of drugs.

For the purposes of this Section “synthetic cannabinoids” shall be defined as Composition of schedules, which states: Synthetic cannabinoids. Unless specifically excepted, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups, or any of those groups which contain any synthetic cannabinoid salts, isomers, salts of isomers, or nitrogen-heterocyclic analogs, whenever the existence of such salts, isomers, salts of isomers, or nitrogen-heterocyclic analogs is possible within the specific chemical groups:

(1) Naphthoylindoles:

Any compound containing a 3-(1-naphthoyl)indole structure, whether or not substituted in the indole ring to any extent or the naphthyl ring to any extent;

(2) Naphthylmethyldindoles:

Any compound containing a 1-H-indol-3-yl-(1-naphthyl)methane structure, whether or not substituted in the indole ring to any extent or the naphthyl ring to any extent;

(3) Naphthoylpyrroles:

Any compound containing a 3-(1-naphthoyl)pyrrole structure, whether or not substituted in the pyrrole ring to any extent or the naphthyl ring to any extent;

(4) Naphthylmethyldindenes:

Any compound containing a 1-(1-naphthylmethyl)indene structure, whether or not substituted in the indene ring to any extent or the naphthyl ring to any extent;

(5) Phenylacetylindoles:

Any compound containing a 3-phenylacetylindole structure, whether or not substituted

in the indole ring to any extent or the phenyl ring to any extent;

(6) Cyclohexylphenols:

Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure, whether or not substituted in the cyclohexyl ring to any extent or the phenyl ring to any extent;

(7) Benzoylindoles:

Any compound containing a 3-(benzoyl)indole structure, whether or not substituted in the indole ring to any extent or the phenyl ring to any extent;

(8) Tetrahydrodibenzopyrans whether or not substituted in the tricyclic ring system except where contained in cannabis or cannabis resin;

(9) Hexahydrodibenzopyrans whether or not substituted in the tricyclic ring system except where contained in cannabis or cannabis resin;

(10) Cyclopropanoylindoles:

Any compound containing a 3-(cyclopropanoyl)indole structure, whether or not substituted in the indole ring to any extent or the cyclopropyl ring to any extent;

(11) Adamantoylindoles:

Any compound containing a 3-(1-adamantoyl)indole structure, whether or not further substituted in the indole ring to any extent or whether or not substituted in the adamantyl ring to any extent;

(12) Naphthylamidoindoles:

Any compound containing a N-(naphthyl)-indole-3-carboxamide structure, whether or not further substituted in the indole ring to any extent or whether or not substituted in the naphthyl ring to any extent;

(13) Quinolinyndolecarboxylates:

Any compound containing a quinolin-8-yl-1H-indole-3-carboxylate structure, whether or not substituted in the indole ring to any extent or the quinoline ring to any extent;

(14) Adamantylamidindoles:

Any compound containing a N-(adamantyl)-indole-3-carboxamide structure, whether or not further substituted in the indole ring to any extent or whether or not substituted in the adamantyl ring to any extent;

- (15) N-(1-amino-3, 3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1-H-indazole-3-carboxamide;
- (16) N-(1-amino-3, 3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1-H-indole-3-carboxamide;
- (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide;
- (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide;
- (19) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide;
- (20) (1-(5-fluoropentyl)-1H-benzimidazol-2-yl)(naphthalen-1-yl) methanone;
- (21) (4-methylpiperazin-1-yl)(1-pentyl-1H-indol-3-yl) methanone;
- (22) Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate;
- (23) N-(1-amino-3, 3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide;
- (24) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide;
- (25) N-(1-amino-3, 3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide;
- (26) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide;
- (27) Naphthalen-1-yl-1-(5-fluoropentyl)-1H-indole-3-carboxylate; or
- (28) N-benzyl-1-pentyl-1H-indole-3-carboxamide.

For the purposes of this Section, “legend drugs” shall be defined as any drug or drug product bearing on the label of the manufacturer or distributor, as required by the Federal Food and Drug Administration, the statement "Caution: Federal law prohibits dispensing without prescription".

**Unlawful Production, Distribution, Intent to Distribute or Sale of Drugs is a Felony.**  
**Unlawful Possession or Use of Drugs is a Class A Misdemeanor. Any drugs, drug**

**paraphernalia and property used or obtained in the commission of any crime under this Section shall be subject to forfeiture as ordered by the Court.**

(Revised by Ordinance #3-98; Adopted: June 18, 1998; Effective: June 18, 1998; Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 406-A.                    Unlawful Distribution, Sale, Possession and/or Use of Drug Paraphernalia.**

A person who knowingly, or under circumstances where one reasonably should know, sells, lends, gives, exchanges, or otherwise distributes, possesses or uses drug paraphernalia.

For the purposes of this section “**Drug Paraphernalia**” shall be defined as any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under Section 406. It includes primarily intended or designed for ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, or amphetamines into the human body, such as –

- metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- water pipes;
- carburetion tubes and devices;
- smoking and carburetion masks;
- roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- miniature spoons with level capacities of one-tenth cubic centimeter or less;
- chamber pipes;
- carburetor pipes;
- electric pipes;
- air-driven pipes;
- chillums;

bongs;  
ice pipes or chillers;  
wired cigarette papers, or;  
cocaine free base kits.

In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following;

- (a) Statements by the an owner or by anyone in control of the object concerning its use;
- (b) The proximity of the object to controlled substances;
- (c) The existence of any residue of controlled substances on the object;
- (d) instructions, oral or written, provided with the item concerning its use;
- (e) descriptive materials accompanying the item which explain or depict its use;
- (f) national and local advertising concerning its use;
- (g) the manner in which the item is displayed for sale;
- (h) whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (i) direct or circumstantial evidence of the ratio of sales of the item(s) to the total sales of the business enterprise;
- (j) the existence and scope of legitimate use of the item in the community; and
- (k) expert testimony concerning its use.

**Unlawful Distribution, Sale, Possession and/or Use of Drug Paraphernalia is a Class A Misdemeanor.**

(Added by Ordinance #3-98; Adopted: June 18, 1998; Effective: June 18, 1998)

**Sec 406-B. Violation of Unlawful Production, Distribution, Intent to Distribute, Sale, Possession or Use of Drugs; Drug Free Zone**

- A. (1) Any person who violates a provision of Title III, Section 406, Unlawful production, distribution, intent to distribute, sale, possession or use of drugs on any property used for school purposes by any school, within two thousand feet (2,000')

of any such property, or while on a school bus, shall, upon conviction, be punished in accordance.

(2) Any person who violates a provision of Title III, Section 406, Unlawful production, distribution, intent to distribute, sale, possession or use of drugs while on property used as a drug treatment facility or within two thousand feet (2,000') of any such property, when included within an area marked as a drug free zone pursuant shall, upon conviction, be punished in accordance.

(3) (a) Any person who violates a provision of Title III, Section 406, Unlawful production, distribution, intent to distribute, sale, possession or use of drugs while on any housing authority property, child day care center property, or within two thousand feet (2,000') of any such property, if the area is posted as a drug free zone, shall, upon conviction, be punished in accordance.

(b) In order for the provisions of this Section to apply to housing authority property, or child day care center property, the building must be posted as a drug free zone as provided herein. The design and posting of the signs shall be at the discretion of the entity that owns or has authority over the religious building, public housing authority property, or child day care center property. In order to post the area as a drug free zone, the signs shall be located in a visible manner on or near each housing authority property, or child day care center property indicating that such area is a drug free zone, that such zone extends for a distance of two thousand feet, and that a violation of Title III, Section 406, Unlawful production, distribution, intent to distribute, sale, possession or use of drugs will subject the offender to severe penalties under law.

B. Lack of knowledge that the prohibited act occurred on or within two thousand feet (2,000') of school or drug treatment facility property shall not be a defense.

C. For purposes of this Section:

(1) "School" means any institution designed for the teaching of students (or "pupils") under the direction of Educators.

- (2) "School property" means all property used for school purposes, including but not limited to school playgrounds, as well as any building or area owned by the Chitimacha Tribe of Louisiana and used or operated as a playground or recreational facility and all parks and recreational areas administered by the Tribe.
- (3) "Drug treatment facility" means all property used for diagnostic, treatment, and rehabilitative services to patients and their families with problems related to alcohol, drug, or substance abuse.
- (4) "Housing authority property" means all property owned or operated by a housing authority or agency created by The Chitimacha Tribe of Louisiana.
- (5) "Child day care center property" means property where children are cared for during the day by a person other than the child's legal guardians, typically performed by someone outside the child's immediate family.

**Violation of Unlawful Production, Distribution, Intent to Distribute or Sale of Drugs in a Designated Drug Free Zone is a Felony. Violation of Unlawful Possession or Use of Drugs in a Designated Drug Free Zone is a Class A Misdemeanor.**

(Added by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 406-C.                    Distribution to Persons Under Age Eighteen**

A person who knowingly is a:

- (a) Persons twenty-five (25) or over to persons under eighteen (18). Any person who is at least twenty-five (25) years of age, or more, who violates Title III, Section 406 by distributing a drug to a person under eighteen (18) years of age; or
- (b) Any persons who is at least eighteen (18) years of age but under twenty-five (25) who violates Title III, Section 406 by distributing a drug to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of distribution to persons under the age of eighteen (18).



For the purposes of this Section, “drug” refers to any substances listed in Title III, Section 406.

**Any persons twenty-five (25) or over is a Felony. Any persons who is at least eighteen (18) years of age but under twenty-five (25) is a Class A Misdemeanor.**

(Added by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 406-D. Additional Penalties May be Imposed.**

In addition to any penalties hereinabove provided, if the Chitimacha Tribe of Louisiana or any of its affiliated organizations pays expenses related to the care or medical services of the offender, the Chitimacha Tribe of Louisiana may seek restitution from any funds to be paid to the offender through annual per capita payments or minor’s trust funds, now or in the future.

(Added by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Subchapter C. Offenses Involving Governmental Processes**

**Sec. 407. Bribery.**

A person who intentionally offers, gives, or agrees to give another, or solicits, accepts, or agrees to accept from another, anything of value as consideration:

- (a) to influence the recipient's official action as a public servant; or
- (b) to induce the recipient's violation of a known legal duty as a public servant is guilty of bribery.

**Bribery is a Felony.**

**Sec. 408. Interfering with Elections.**

A person who;

- (a) coerces, threatens, injures or intimidates another person with respect to voting, qualifying to vote, qualifying or campaigning as or for a candidate for elective office, or qualifying or acting as an election official, in any primary, special, or general election of the Chitimacha Tribe of Louisiana; or

(b) in connection with any election of the Chitimacha Tribe of Louisiana, makes or induces any false voting registration; or

(c) in connection with any election of the Chitimacha Tribe of Louisiana, offers, gives, or agrees to give anything of pecuniary value to another person as consideration for the recipient's voting or withholding his or her vote or voting for or against any candidate or issue or for such conduct by another; or

(d) solicits, accepts, or agrees to accept anything of pecuniary value as consideration for conduct prohibited under Subsections (b) or (c); or

(e) otherwise obstructs or interferes with the lawful conduct of an election of the Chitimacha Tribe of Louisiana or registration therefore; is guilty of interfering with elections.

**Interfering with Elections in violation of Subsections (a), (b), (c) or (d) is a Felony.  
Interfering with Elections in violation of Subsection (e) is a Class A Misdemeanor.**

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 409.                    Hindering Law Enforcement.**

A person who knows that another person has or may have committed a criminal offense and intentionally interferes with, hinders, delays, or prevents the discovery, arrest, prosecution, conviction, or punishment of such other person by:

(a) harboring or concealing such other person;

(b) providing such other person with a weapon, money, transportation, disguise, or other means of avoiding discovery or apprehension;

(c) warning such other person of impending discovery or apprehension, unless the warning is intended to induce such person to give himself up to a law enforcement officer;

(d) giving false information or a false report to a law enforcement officer, knowing such information or report to be false, or

(e) attempting to influence the deliberations of a jury; is guilty of hindering law enforcement.

**Hindering Law Enforcement is a Class A Misdemeanor.**

**Sec. 410.                    Perjury.**

A person who, in any official proceeding of the Chitimacha Tribe of Louisiana, makes a false statement or interpretation under oath or equivalent affirmation, or swears or affirms the truth of a statement or interpretation previously made when the statement or interpretation is material and the defendant does not believe it to be true, is guilty of perjury.

Falsification is material if it could have affected the course or outcome of the proceeding.

**Perjury is a Felony.**

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 411.                    Criminal Contempt.**

All courts of the Chitimacha Tribe of Louisiana have power to punish for contempt of their authority the following offenses:

(a) misbehavior of any person in the presence of the Chitimacha Tribal Court or so near thereto as to obstruct the administration of justice; or

(b) disobedience or resistance to any process, order, subpoena, warrant or command of the Court.

**Criminal Contempt is a Class A Misdemeanor.**

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 412.                    Resisting Arrest.**

A person who, with intent to prevent a law enforcement officer from effecting an arrest,:

(a) flees from a law enforcement officer after being told by an officer that the person is under arrest; or

(b) creates a substantial risk of bodily harm to the officer or any other person, or employs means justifying substantial force to overcome the resistance; is guilty of resisting arrest. The Court in its discretion may require a person convicted of resisting arrest to make restitution to the police officer for property of the officer that was damaged as the result of the person's resistance.

A person is guilty of an offense under this Section regardless of whether the arrest resisted is lawful or unlawful but force that is clearly excessive may be resisted.

**Resisting Arrest is a Class A Misdemeanor.**

**Sec. 413. Escape.**

A person who unlawfully removes himself or herself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited period is guilty of escape.

"Official detention" does not include supervision of probation or parole or constraint incidental to release on bail.

**Escape is a Felony.**

**Subchapter D. Disorderly Conduct and Related Offenses**

**Sec. 414. Disorderly Conduct.**

A person who, with intent to harass, alarm or annoy another person, or in reckless disregard of the fact that another person is harassed, annoyed or alarmed by his or her behavior,:

- (a) engages in fighting, or in violent, tumultuous, or threatening behavior;
- (b) makes loud or disturbing noise after 10:00 p.m. unless in connection with a function previously authorized by the Chitimacha Tribal Council;
- (c) in a public place, uses abusive or obscene language, or makes an obscene gesture;
- (d) obstructs vehicular or pedestrian traffic, or the use of a public facility;
- (e) persistently follows another person in or about a public place or places;
- (f) solicits sexual activity as defined in Section 208 while loitering in a public place; or
- (g) creates a hazardous, physically offensive, or seriously alarming condition by an act which serves no legitimate purpose; is guilty of disorderly conduct.

**Disorderly Conduct is a Class A Misdemeanor.**

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 414.A Possession and/or Consumption of Alcohol in Designated Park/Recreational Areas Prohibited.**

The possession and/or consumption of alcohol within any designated park/recreational

area on the Chitimacha Reservation shall be prohibited unless;

- (a) specific authorization for same has been obtained in accordance with Title XIV of this Code, or;
- (b) in conjunction with an authorized tribal or community activity.

**Any person violating a provision of this section shall be issued a citation for a “Civil Infraction”, for which the procedures contained within Title VII, Chapter 2, shall apply. Any subsequent offense, if committed by an Indian, shall be deemed a Class B Misdemeanor.**

(Added by Ordinance #3-99; Adopted: October 21, 1999; Effective: October 21, 1999; Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 415. Mistreatment of Animals.**

**(a) Cruelty to Animals.**

Any person who intentionally, recklessly or negligently, unnecessarily or cruelly beats, mutilates, kills, tortures or abuses any animal, or causes same to be cruelly beaten, mutilated, killed, tortured or abused is guilty of Cruelty to Animals.

**(b) Failure to Care For an Animal or Animals.**

Any person owning, keeping or having responsibility for an animal or animals who fails to adequately house, feed, water or maintain and care for said animals as defined in the Code, shall be guilty of Failure to Care For.

**Cruelty to Animals and Failure To Care For are Class B Misdemeanors however, if said mistreatment results in the death of the animal and/or animals, the offense shall be deemed as a Class A Misdemeanor.**

(Revised by Ordinance #13-93; Adopted: October 1, 1993; Effective: October 1, 1993)

**Subchapter E. Gambling**

**Sec. 416. Gambling.**

- (a) A person who;
  - (1) conducts a wagering pool or lottery for his or her own profit;

- (2) receives wagers for or on behalf of another person for his or her own profit;
- (3) alone or with others, owns, controls, manages, or finances a gambling business;
- (4) knowingly leases or otherwise permits a place to be regularly used to carry on a gambling business; or
- (5) maintains a coin-operated gaming device for his or her own profit; is guilty of gambling.

**Gambling is a Class A Misdemeanor.**

(b) Gambling does not include:

- (1) lawful contests of speed, strength, or endurance in which awards are made only to entrants or to the owners of entrants;
- (2) lawful business transactions; or
- (3) activities authorized by Title XII of this Code.

(Revised by Ordinance #2-96; Adopted: August 15, 1996; Effective: August 15, 1996)

**Subchapter F. Exploitation of Children**

**Sec. 417. Contributing to the Delinquency of a Minor.**

A person, including a parent or other person with lawful custody of a minor, who intentionally, negligently, or recklessly causes, encourages, contributes to or aids a minor in committing a delinquent act or status offense, is guilty of contributing to the delinquency of a minor.

**Contributing to the Delinquency of a Minor is a Class A Misdemeanor.**

**Sec. 418. Failure to Support a Dependent Person.**

A person who knowingly fails to provide support he or she is legally obligated to provide to his or her child born in or out of wedlock or to another dependent is guilty of failure to support a dependent person.

**Failure to Support a Dependent Person is a Class B Misdemeanor for the first offense and a Class A Misdemeanor for each subsequent offense.**

**Sec. 419. Failure to Send a Child to School.**

A person who, without justification or excuse, fails to send a child under his or her care to school is guilty of failure to send a child to school. For the purposes of this Section, a child is a person under the age of sixteen (16) years of age.

**Failure to Send a Child to School is a Class B Misdemeanor for the first offense and a Class A Misdemeanor for each subsequent offense.**

**Sec. 420. Unlawful Possession of Intoxicating Beverages by Minors.**

A person under the age at which persons are permitted by the law of Louisiana to possess intoxicating beverages who purchases or has in his or her possession any intoxicating beverage is guilty of unlawful possession of intoxicating beverages by minors.

**Unlawful Possession of Intoxicating Beverages by Minors is a Class B Misdemeanor. In addition to the penalty prescribed for such an offense, all alcoholic beverages possessed in violation of this Section will be forfeited to the Chitimacha Tribe of Louisiana, and disposed of in accordance with the order of the Court.**

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

**Sec. 421. Child Abuse.**

Any person who shall abuse a child as defined in Title V, Section 102(b) of this Code is guilty of child abuse.

**Child Abuse is a Class A Misdemeanor, with the exception of "Sexual Abuse" which shall be a Felony.**

(Added by Ordinance #2-96; Adopted: August 15, 1996; Effective: August 15, 1996)

**Sec. 422. Abandonment of a Child.**

Any person having the responsibility for the care and welfare of a child under eighteen (18) years of age who abandons that child as defined in Title V, Section 102(c) of this Code is guilty of abandonment of a child.

**Abandonment of a Child is a Class B Misdemeanor for the first offense and a Class A**

**Misdemeanor for all subsequent offenses.**

(Added by Ordinance #2-96; Adopted: August 15, 1996; Effective: August 15, 1996)

**Sec. 423. Neglect of a Child.**

Any person having the responsibility for the care and welfare of a child under eighteen (18) years of age who neglects that child as defined in Title V, Section 102(d) of this Code shall be guilty of neglect of a child.

**Neglect of a Child is a Class B Misdemeanor for the first offense and a Class A Misdemeanor for all subsequent offenses.**

(Added by Ordinance #2-96; Adopted: August 15, 1996; Effective: August 15, 1996)

**Subchapter G. Curfew Violations**

(Added by Ordinance #2-96; Adopted: August 15, 1996; Effective: August 15, 1996)

**Sec. 424. Failure to Enforce Curfew.**

Any parent, guardian or other person having custody of a child who permits such child to violate any of the provisions of the curfew established by Title V, Section 701 of this Code shall be guilty of failure to enforce curfew.

**Failure to Enforce Curfew shall be a Class B Misdemeanor for the first offense, and Class A Misdemeanor for each subsequent offense.**

(Added by Ordinance #2-96; Adopted: August 15, 1996; Effective: August 15, 1996)

**Sec 425. Nonresidents Curfew.**

Any nonresident of the Chitimacha Reservation who shall walk, run, ride a bicycle, or loiter upon any street, highway, road, alley, or vacant premises on the Chitimacha Reservation between the hours of 10:15 p.m. and 5:00 a.m. of the following day is guilty of a curfew violation.

**Any person violating a provision of this section shall be issued a citation for a “Civil Infraction”, for which the procedures contained within Title VII, Chapter 2, shall apply. Any subsequent offense, if committed by an Indian, shall be deemed a Class B**



## **Misdemeanor.**

(Added by Ordinance #2-96; Adopted: August 15, 1996; Effective: August 15, 1996; Revised by Ordinance #3-99; Adopted: October 21, 1999; Effective: October 21, 1999; Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

## **CHAPTER 5. PENALTIES AND LIMITATIONS**

### **Sec. 501. Penalties.**

Offenses are divided into three (3) classes, which are denominated and subject to maximum penalties, as follows:

- (1) **Felony**, for which a maximum penalty of imprisonment for one (1) year, a fine of Five Thousand Dollars (\$5,000), or both, may be imposed.
- (2) **Class A Misdemeanor**, for which a maximum penalty of imprisonment for six (6) months, a fine of One Thousand Dollars (\$1,000), or both, may be imposed.
- (3) **Class B Misdemeanor**, for which a maximum penalty of Five Hundred Dollars (\$500) may be imposed.

Any person violating a provision of this title, for which a penalty is not specifically provided, shall be guilty of a Class B Misdemeanor.

(Revised by Ordinance #3-98; Adopted: June 18, 1998; Effective: June 18, 1998; Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)

### **Sec. 502. Limitations.**

No prosecution shall be maintained under this Title unless it is commenced within one (1) year after the commission of the offense.

(Revised by Ordinance #01-15; Adopted: February 5, 2015; Effective: February 5, 2015)